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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,738	01/26/2004	Andrzej Turski	MS305633.1/MSFTP531US	1655
27195 7590 02/20/2007 AMIN, TUROCY & CALVIN, LLP 24TH FLOOR, NATIONAL CITY CENTER 1900 EAST NINTH STREET CLEVELAND, OH 44114			EXAMINER KINDRED, ALFORD W	
			ART UNIT	PAPER NUMBER
			2163	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		02/20/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/764,738

Applicant(s)

TURSKI ET AL.

Examiner

Alford W. Kindred

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 21-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 21-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communications: Election filed on 01/19/2007.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-10 and 21-35 are rejected under 35 U.S.C. 102(e) as being anticipated by Roustant et al., US# 20040093321.

As per claims 1 and 10, Roustant et al. teaches "a property analyzer that determines an item distribution and forms a plurality of first-level clusters based in part on a first property of a plurality of properties, and automatically selects at least one other property and determines at least one other item distribution based in part on the at least one other property of the plurality of properties . . ." (see paragraph [0053], [0066], and [0068]) "an organizer that automatically forms a plurality of new clusters based in part on the at least one other property, and presents the plurality of new clusters" (see paragraph [0066] and [0079]-[0080]).

As per claim 2, Roustant et al. teaches "the plurality of properties are associated with a plurality of items . . . stored in at least one of a local and a remote storage location" (see paragraph [0021 and [0087]]).

As per claim 3, Roustant et al. teaches "at least one of a document, a file . . . a message or a computer representation . . ." (see paragraph [0085]-[0087]).

As per claims 4-5, Roustant et al. teaches "a type of an item, a date or time . . . or a system, application, administrator . . . property of the item" (see paragraph [0023] and [0087]).

As per claims 6-7, Roustant et al. teaches "assigns a clusterization score . . . a highest clusterization score" (see paragraph [0066] and [0080]).

As per claim 8, Roustant et al. teaches "the clusterization score is calculated as a function of a total number of items and the number of items in each cluster of the plurality of clusters" (see paragraph [0060] and [0066]).

As per claim 9, Roustant et al. teaches "a user interface to at least one of the display cluster results, receive query selections, and receive property information . . . in

- a cluster" (see paragraph [0007], [0024] and [0027]).

As per claim 21, this claim is rejected on grounds corresponding to the arguments given above for rejected claim 1 and is similarly rejected including the following:

-- Roustant et al. teaches "one or more data items and associated properties stored in a database . . . selecting the data items and the associated properties" (see

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paragraph [0014] and [0029]) “a display component to present the display objects based in part on automated analysis of the properties” (see paragraph [0038] and [0041]).

As per claims 22-23, Roustant et al. teaches “controls for interacting with properties . . . querying of results . . .” (see paragraph [0041], [0060] and [0062]).

As per claims 24-25, Roustant et al. teaches “at least one of a type, a location, a category, a person, a date . . .” (see paragraph [0053] and [0054]).

As per claims 26-28, Roustant et al. teaches “at least one semi-collapsed list or group . . . semi-collapsed list” (see figures 4 and 5).

As per claims 29-35, these claims are rejected on grounds corresponding to the arguments given above for rejected claims 1-10 and are similarly rejected.

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Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alford W. Kindred whose telephone number is 571-272-4037. The examiner can normally be reached on Mon-Fri 9:00 am- 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on (571) 272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Alford W. Kindred
Patent Examiner
Tech Ctr. 2100